

1809.470-3

(h) A complete summary of all pertinent evidence. If a request for debarment or suspension is based on an indictment or a conviction, provide the evidence upon which the indictment or conviction is based.

(i) An estimate of any damages, sustained by the Government as a result of the contractor's action, including an explanation of the method used in making the estimate.

(j) Recommendation as to

(1) Whether the contractor should be suspended or debarred,

(2) Whether any limitations should be applied to such action,

(3) Whether current contracts should be terminated, and

(4) The period of any debarment.

(k) As an enclosure, a copy of the contract(s) or pertinent excerpts, appropriate exhibits, testimony or statements of witnesses, copies of assignments, and other relevant documentation.

1809.470-3 Addresses and copies of reports.

Reports, including enclosures, shall be submitted to the Office of Procurement (Code HK), with an additional copy to the Headquarters Office of General Counsel (Code G).

[61 FR 47075, Sept. 6, 1996, as amended at 63 FR 32763, June 16, 1998]

Subpart 1809.5—Organizational and Consultant Conflicts of Interest

1809.500 Scope of subpart.

The Assistant Administrator for Procurement has authorized the procurement officer to take those actions reserved in FAR subpart 9.5 for the head of the contracting activity. However, see 1809.503 regarding waivers.

1809.503 Waiver.

The Administrator has designated the Assistant Administrator for Procurement as the approval authority for waivers under FAR 9.503. The procurement officer shall forward requests for waivers under FAR 9.503 to the Assistant Administrator for Procurement (Code HS) for action.

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1809.506 Procedures. (NASA supplements paragraph (b))

(b) The approving official is the procurement officer when the installation has source selection authority and the Assistant Administrator for Procurement (Code HS) when NASA Headquarters has that authority.

1809.507 Solicitation provisions and contract clause.

1809.507-2 Contract clause.

The contracting officer may insert a clause substantially the same as the clause at 1852.209-71, Limitation of Future Contracting, in solicitations and contracts.

Subpart 1809.6—Contractor Team Arrangements

1809.670 Contract clause.

The contracting officer shall insert the clause at 1852.209-72, Composition of the Contractor, in all construction invitations for bids and resulting contracts. The clause may be used in other solicitations and contracts to clarify a contractor team arrangement where the prime contractor consists of more than one legal entity, such as a joint venture.

PART 1811—DESCRIBING AGENCY NEEDS

Sec.

1811.002 Policy.

Subpart 1811.1—Selecting and Developing Requirements Documents

1811.101 Order of precedence for requirements documents.

1811.107 Solicitation provisions.

Subpart 1811.4—Delivery or Performance Schedules

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National Aeronautics and Space Administration

1811.404-70

Subpart 1811.6—Priorities and Allocations

1811.602 General.

1811.603 Procedures.

AUTHORITY: 42 U.S.C. 2473(c)(1).

SOURCE: 61 FR 47078, Sept. 6, 1996, unless otherwise noted.

1811.002 Policy. (NASA supplements paragraph (b))

(b) Implementation of the Metric Conversion Act of 1975, as amended, must be in accordance with NPD 8010.2B, Use of the Metric System of Measurements in NASA Programs.

[61 FR 47078, Sept. 6, 1996, as amended at 65 FR 37061, June 13, 2000]

Subpart 1811.1—Selecting and Developing Requirements Documents

1811.101 Order of precedence for requirements documents.

(a) Safeguards to ensure safety, security, and environmental protection must be included, as applicable, in requirements documents.

(b)(2) Requirements for the use of environmentally preferable products will be established in accordance with NPG 8830.1, “Affirmative Procurement Plan for Environmentally Preferable Products.” Requirements for the use of energy and water efficient products and the use of renewable energy technology will be established in accordance with NPG 8570.1, “Energy Conservation Technologies and Practices.”

[67 FR 30603, May 7, 2002]

1811.107 Solicitation provisions. (NASA supplements paragraph (b))

(b) NASA uses the categorical method to report its use of voluntary consensus standards.

Therefore, use of the provision at 52.211-7 is not required. However, contracting officers must include in draft RFPs (DRFPs) the information required by 1815.201(c)(6)(A).

[65 FR 12484, Mar. 9, 2000]

Subpart 1811.4—Delivery or Performance Schedules

1811.403 Supplies or services. (NASA supplements paragraph (a))

(a)(3) Contract delivery or performance schedules must not be expressed in terms of a notice of award. A notice of award as a specific document, separate from the award document itself, is not a contractual document and must not be used as a reference point for contract performance. See 1814.408 for additional information on notices of award.

[61 FR 47078, Sept. 6, 1996, as amended at 65 FR 37062, June 13, 2000]

1811.403-70 Packaging, handling, and transportation.

(a) NPG 6000.1E, “Requirements for Packaging, Handling, and Transportation for Aeronautical and Space Systems, Equipment, and Associated Components” provides guidance for shipment of certain NASA items.

(b) Contracting officers, with the advice of the requiring activity and the Center Transportation Officer, must include a designation of each deliverable item, or groupings of deliverable items, as Class I, II, III, or IV for purposes of contractor compliance with the NPG.

[65 FR 37062, June 13, 2000]

1811.404 Contract clauses. (NASA supplements paragraph (a))

(a)(2) FAR 52.211-8, Time of Delivery, Alternates II and III, must not be used in NASA contracts.

(3) FAR 52.211-9, Desired and Required Time of Delivery, Alternates II and III, must not be used in NASA contracts.

[61 FR 47078, Sept. 6, 1996, as amended at 65 FR 37062, June 13, 2000]

1811.404-70 NASA contract clauses.

The clause at 1852.211-70, Packaging, Handling, and Transportation, must be included in solicitations and contracts for deliverable items, including software, designated as Class I (mission essential), Class II (delicate or sensitive), or Class III (requires special handling or monitoring).

[65 FR 37062, June 13, 2000]

1811.501

Subpart 1811.5—Liquidated Damages

1811.501 Policy.

(d) The procurement officer must forward recommendations concerning remission of liquidated damages to the Headquarters Office of Procurement (Code HS).

[65 FR 58931, Oct. 3, 2000]

Subpart 1811.6—Priorities and Allocations

1811.602 General. (NASA supplements paragraph (c))

(c) The Department of Defense is the “Delegate Agency” for NASA. The Headquarters Office of Procurement (Code HK) must coordinate with DOD, as necessary, to ensure that any DOD requirements are met.

[61 FR 47078, Sept. 6, 1996, as amended at 65 FR 37062, June 13, 2000; 66 FR 29727, June 1, 2001]

1811.603 Procedures.

(NASA supplements paragraphs (e) and (g).)

(e)(i) Rated orders may be used by NASA only as provided in Section 700.17 of the DPAS (15 CFR 700.17) and subject to the limitations provided in Section 700.18 of the DPAS (15 CFR 700.18). Priority ratings are assigned on individual contracts and purchase orders by the contracting officer.

(ii) NASA rated orders may only be assigned a DO rating, unless NASA has obtained a DX rating from the Department of Defense.

(iii) The following program identification symbols may be used on NASA rated contracts and purchase orders for equipment and services that support authorized programs (see Schedule I of the DPAS):

A1—Aircraft
A2—Missiles
A3—Ships
A5—Weapons
A6—Ammunition
A7—Electronic and Communications Equipment
B1—Military Building Supplies
B8—Production Equipment (For Contractor’s Account)

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B9—Production Equipment
(Government-Owned)
C2—Construction
C3—Maintenance, Repair, and Operating Supplies for Facilities
C9—Miscellaneous/Other

(g) Installation requests for assistance shall be directed to the Headquarters Office of Procurement (Code HK).

[66 FR 29727, June 1, 2001]

PART 1812—ACQUISITION OF COMMERCIAL ITEMS

Subpart 1812.1—Acquisition of Commercial Items—General

Sec.

1812.102 Applicability.

Subpart 1812.3—Solicitation Provisions and Contract Clauses for the Acquisition of Commercial Items

1812.301 Solicitation provisions and contract clauses for the acquisition of commercial items.

1812.302 Tailoring of provisions and clauses for the acquisition of commercial items.

Subpart 1812.4—Unique Requirements Regarding Terms and Conditions for Commercial Items

1812.404 Warranties.

Subpart 1812.70—Commercial Space Hardware or Services

1812.7000 Prohibition on guaranteed customer bases for new commercial space hardware or services.

AUTHORITY: 42 U.S.C. 2473(c)(1).

SOURCE: 61 FR 47079, Sept. 6, 1996, unless otherwise noted.

Subpart 1812.1—Acquisition of Commercial Items—General

1812.102 Applicability. (NASA supplements paragraph (c))

(c) For the acquisition of commercial items of any value, the MidRange procedures described in part 1871 may be used to the extent they are consistent and compliant with FAR part 12 and part 1812. Unless specifically stated, in any conflict between these parts the descending order of precedence is FAR part 12, part 1812, and part 1871.